

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the First)
Amended Accusation Against:)

RITA LUTHRA, M.D.)

Case No. 800-2015-018815

Physician's and Surgeon's)
Certificate No. C50073)

Respondent)
_____)

DECISION

The attached Stipulated Surrender of License is hereby
adopted as the Decision and Order of the Medical Board of
California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on October 31, 2018

IT IS SO ORDERED October 24, 2018.

MEDICAL BOARD OF CALIFORNIA

By: _____

Kimberly Kirchmeyer
Executive Director

1 XAVIER BECERRA
Attorney General of the State of California
2 JANE ZACK SIMON
State Bar No. 116564
3 Supervising Deputy Attorney General
455 Golden Gate Avenue, Suite 11000
4 San Francisco, CA 94102
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6

Attorneys for Complainant
Medical Board of California
7

8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 **In the Matter of the First Amended**
Accusation Against:
12

13 **RITA LUTHRA, M.D.**
Women's Health and Education Center
31 Ely Way
14 Longmeadow, MA 01106

15 Physician's and Surgeon's Certificate No. C50073
16

Case No.: 800-2015-018815

STIPULATED SURRENDER OF LICENSE

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding, that the following matters are true:

19 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical
20 Board of California. She brought this action solely in the official capacity, and is represented by
21 Xavier Becerra, Attorney General of the State of California, by Jane Zack Simon, Supervising
22 Deputy Attorney General.

23 2. Respondent Rita Luthra, M.D. (Respondent) enters into this Stipulated Surrender
24 of License in consultation with her Massachusetts legal counsel, Jeffrey O'Connor, Morrison
25 Mahoney LLP, Tower Square, 1500 Main Street Suite 2400, Springfield, MA 01115-5387.

26 3. On August 15, 1997, the Medical Board of California issued Physician's and
27 Surgeon's Certificate No. C50073 to Respondent. The certificate is delinquent, having expired
28 on July 31, 2017.

1 4. Respondent has received, read, discussed with her Massachusetts counsel, and
2 understands the First Amended Accusation which is presently on file and pending in case number
3 800-2015-018815, a copy of which is attached as Exhibit A. Respondent also has carefully read,
4 discussed with her Massachusetts counsel, and understands the effects of this Stipulated
5 Surrender of License (Stipulation).

6 5. Respondent is fully aware of her legal rights in this matter, including the right to a
7 hearing on the charges and allegations in the First Amended Accusation; the right to be
8 represented by counsel, at her own expense; the right to confront and cross-examine the witnesses
9 against her; the right to present evidence and to testify on her own behalf; the right to the issuance
10 of subpoenas to compel the attendance of witnesses and the production of documents; the right to
11 reconsideration and court review of an adverse decision; and all other rights accorded by the
12 California Administrative Procedure Act and other applicable laws. Respondent voluntarily,
13 knowingly, and intelligently waives and gives up each and every right set forth above.

14 6. For the purpose of resolving the charges and allegations in the First Amended
15 Accusation, without the expense and uncertainty of further proceedings, Respondent agrees that
16 based on the action taken by the Massachusetts Board of registration in Medicine and the criminal
17 conviction as alleged in the First Amended Accusation, cause exists to take action against her
18 California physician's and surgeon's certificate. Respondent wishes to surrender her California
19 certificate at this time.

20 7. Pursuant to section 2224(b) of the Business and Professions Code, this Stipulation
21 for Surrender of License shall be subject to the approval of the Board. Respondent understands
22 and agrees that the Medical Board's staff and counsel for Complainant may communicate directly
23 with the Board regarding this Stipulation without notice to or participation by Respondent or her
24 Massachusetts counsel. By signing this Stipulation, Respondent understands and agrees that she
25 may not withdraw her agreement or seek to rescind the Stipulation prior to the time the Board
26 considers and acts upon it. In the event that this Stipulation is rejected for any reason by the
27 Board, it will be of no force or effect for either party. The Board will not be disqualified from
28 further action in this matter by virtue of its consideration of this Stipulation.

8. Upon acceptance of this Stipulation by the Board, Respondent understands that she will no longer be permitted to practice as a physician and surgeon in California, and also agrees to surrender and cause to be delivered to the Board any license and wallet certificate in her possession before the effective date of the decision.

9. The acknowledgments as to cause made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Medical Board or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

10. Respondent fully understands and agrees that if she ever files an application for relicensure or reinstatement in the State of California, the Board shall treat it as a petition for reinstatement, and Respondent must comply with all laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed.

11. Respondent understands that she may not petition for reinstatement as a physician and surgeon for a period of three (3) years from the effective date of her surrender. Information gathered in connection with First Amended Accusation number 800-2015-018815 may be considered by the Board in determining whether or not to grant the petition for reinstatement. For the purposes of the reinstatement hearing, the allegations contained in First Amended Accusation number 800-2015-018815 shall be deemed to be admitted by Respondent, and Respondent waives any and all defenses based on a claim of laches or the statute of limitations.

12. The parties understand and agree that facsimile or electronic copies of this Stipulated Surrender of License, including facsimile or electronic signatures thereto, shall have the same force and effect as the originals.

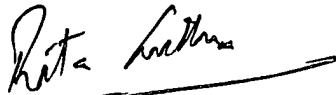
ACCEPTANCE

I have carefully read the above Stipulated Surrender of License. I enter into it freely and voluntarily and with full knowledge of its force and effect do hereby surrender my Physician and Surgeon's Certificate Number C50073 to the Medical Board of California, for its formal acceptance. By signing this Stipulation to surrender my license, I recognize that upon its formal acceptance by the Board, I will lose all rights and privileges to practice as a physician and

1 ///

2 surgeon in the State of California and I also will cause to be delivered to the Board any license
3 and wallet certificate in my possession before the effective date of the decision.

4
5 DATED: 2 OCTOBER 2018



RITA LUTHRA M.D.
Respondent

7 **APPROVAL**

8 I have read and fully discussed with Respondent Rita Luthra, M.D. the terms and
9 conditions and other matters contained in the above Stipulated Surrender of License. I approve
10 its form and content.

11 DATED: 10/2/18

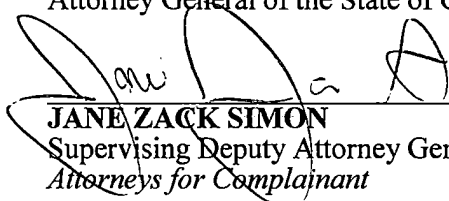


JEFFREY O'CONNOR
Morrison Mahoney LLP
Massachusetts Counsel to Respondent

14 **ENDORSEMENT**

15 The foregoing Stipulated Surrender of License is hereby respectfully submitted for
16 consideration by the Medical Board of California.

17 DATED: 10/9/18

XAVIER BECERRA
Attorney General of the State of California


JANE ZACK SIMON
Supervising Deputy Attorney General
Attorneys for Complainant

EXHIBIT A

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 State Bar No. 116564
4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3521
5 Facsimile: (415) 703-5480
E-mail: Janezack.simon@doj.ca.gov

6 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO *June 4 2018*
BY: *[Signature]* ANALYST

7
8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the First Amended Accusation
Against:

12 **RITA LUTHRA, M.D.**
13 Women's Health and Education Center
31 Ely Way
14 Longmeadow, MA 01106

15 Physician's and Surgeon's Certificate No. C50073

16 Respondent.

Case No. 800-2015-018815

FIRST AMENDED ACCUSATION

17
18 The Complainant alleges:

19 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical
20 Board of California, Department of Consumer Affairs, and brings this Accusation solely in her
21 official capacity.

22 2. On August 15, 1997, Physician's and Surgeon's Certificate No. C50073 was
23 issued by the Medical Board of California to Rita Luthra, M.D. (Respondent.) The certificate is
24 delinquent, having expired on July 31, 2017.

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JURISDICTION

3. This First Amended Accusation is brought before the Medical Board of California (Board) under the authority of the following sections of the California Business and Professions Code (Code) and/or other relevant statutory enactment:

A. Section 2227 of the Code provides in part that the Board may revoke, suspend for a period not to exceed one year, or place on probation, the license of any licensee who has been found guilty under the Medical Practice Act, and may recover the costs of probation monitoring.

B. Section 2305 of the Code provides, in part, that the revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California under the Medical Practice Act, constitutes grounds for discipline for unprofessional conduct.

C. Section 141 of the Code provides:

“(a) For any licensee holding a license issued by a board under the jurisdiction of a department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or by another country shall be conclusive evidence of the events related therein.

“(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by the board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country.”

D. Section 2234 of the Code provides that the Board shall take action against a licensee who is charged with unprofessional conduct.

E. Section 2236 of the Code provides that the conviction of any offense substantially related to the qualifications, functions or duties of a physician and surgeon constitutes unprofessional conduct.

1 **FIRST CAUSE FOR DISCIPLINE**

2 (Discipline, Restriction, or Limitation Imposed by Another State)

3 4. On November 5, 2015, the Massachusetts Board of Registration in Medicine issued
4 a Voluntary Agreement Not to Practice Medicine, under which Respondent agreed to
5 immediately cease the practice of medicine in Massachusetts. A copy of the Voluntary
6 Agreement Not to Practice Medicine issued by the Massachusetts Board of Registration in
7 Medicine is attached as Exhibit A.

8 5. Respondent's conduct and the action of the Massachusetts Board of Registration in
9 Medicine as set forth in paragraph 4, above, constitutes cause for discipline pursuant to sections
10 2305 and/or 141 of the Code.

11 **SECOND CAUSE FOR DISCIPLINE**

12 (Unprofessional Conduct/Criminal Conviction)

13 6. On April 30, 2018, a Jury Verdict was entered against Respondent in the United
14 States District Court District of Massachusetts in a case entitled United States of America v. Rita
15 Luthra, Case No. 15-CR-30032-MGM. Respondent was found guilty of wrongfully disclosing
16 individually identifiable health information in violation of 42 U.S.C. section 1320d-6, and/or
17 aiding and abetting, in violation of 18 U.S.C. section 2. Respondent was also found guilty of
18 obstruction of a criminal investigation of a health care offense, in violation of 18 U.S.C. section
19 1518.

20 7. The essential facts underlying the criminal case were that Warner Chilcott, a
21 pharmaceutical company, launched Atelvia, a medication to which cheaper generic alternatives
22 were readily available. Atelvia was not included in most insurer formularies. Respondent
23 provided a Warner Chilcott sales representative with access to patient records to fill out Prior
24 Authorization Forms to assist her in obtaining payment approval for Atelvia, and then lied to
25 criminal investigators about payments she received from the pharmaceutical company.

26 8. Respondent's conduct and conviction constitute unprofessional conduct and the
27 conviction of crimes substantially related to the qualifications, functions or duties of a physician
28

1 and surgeon, and are cause for discipline pursuant to Business and Professions Code sections
2 2234 and/or 2236.

3 **PRAYER**

4 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein
5 alleged, and that following the hearing, the Board issue a decision:


6 1. Revoking or suspending Physician's and Surgeon's Certificate Number C50073
7 issued to respondent Rita Luthra, M.D.;

8 2. Revoking, suspending or denying approval of Respondent's authority to supervise
9 physician assistants and advanced practice nurses;

10 3. Ordering Respondent, if placed on probation, to pay the costs of probation
11 monitoring; and

12 4. Taking such other and further action as the Board deems necessary and proper.

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14 DATED: June 4, 2018


15 **KIMBERLY KIRCHMEYER**
16 Executive Director
17 Medical Board of California
18 Department of Consumer Affairs
19 State of California

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28
Complainant

EXHIBIT

A

COMMONWEALTH OF MASSACHUSETTS

Middlesex. SS.

Board of Registration in Medicine

Docket No. 15-308

In the Matter of

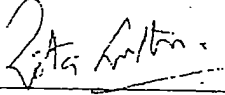
Rita Luthra, M.D.,
Registration No. 45414

VOLUNTARY AGREEMENT NOT TO PRACTICE MEDICINE

1. I agree to cease my practice of medicine in the Commonwealth of Massachusetts effective immediately.
2. This Agreement will remain in effect until the Board of Registration in Medicine (Board) determines that this Agreement should be modified or terminated; or until the Board takes other action against my license to practice medicine; or until the Board takes final action on the above-referenced matter.
3. I am entering this Agreement voluntarily.
4. I understand that this Agreement is a public document and may be subject to a press release.
5. I understand that this action is non-disciplinary but will be reported by the Board to the appropriate federal data banks and national reporting organizations, including the National Practitioner Data Bank and the Federation of State Medical Boards.
6. Any violation of this Agreement shall be prima facie evidence for immediate summary suspension of my license to practice medicine.
7. I understand that by voluntarily agreeing not to practice medicine in the Commonwealth of Massachusetts pursuant to this Agreement, I do not waive my right to contest any allegations brought against me by the Board and my signature to this Agreement does not constitute any admissions on my part. Nothing contained in this Agreement shall be construed as an admission or acknowledgment by me as to wrongdoing of any kind in the practice of medicine or otherwise.

8. I agree to provide a complete copy of this Agreement, within twenty-four (24) hours of notification of the Board's acceptance of this Agreement, by certified mail, return receipt requested, or by hand delivery to the following designated entities: any in-state or out-of-state hospital, nursing home, clinic, other licensed facility, or municipal, state, or federal facility at which I practice medicine; any in-state or out-of-state health maintenance organization, with which I have privileges or any other kind of association; any state agency, in-or-out-of state, with which I have a provider contract; any in-state or out-of-state medical employer, whether or not I practice medicine there; the Drug Enforcement Administration Boston Diversion Group; Massachusetts Department of Public Health Drug Control Program; and the state licensing boards of all states in which I have any kind of license to practice medicine. I will certify to the Board within seven (7) days that I have complied with this directive. The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above or any other affected entity, of any action it has taken.

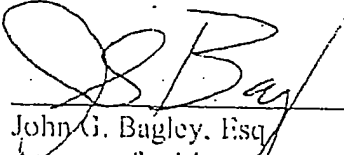
9. This Agreement represents the entire agreement between the parties at this time.



Rita Luthra
Licensee

11 4 15

Date



John G. Bagley, Esq.
Attorney for Licensee

11/4/15

Date

Accepted by the Board of Registration in Medicine this 4th day of November,

20 15.

Cordace Lapidus Sloane, MD

Board Chair or Designee

Ratified by vote of the Board of Registration in Medicine this 5th day of November,

20 15.

Cordace Lapidus Sloane, MD

Board Chair or Board Member